



RQF LEVEL 5



TRADE: LAND SURVEYING

MODULE CODE: LSVLR501

TEACHER'S GUIDE

Module name: Describe Land Rules and Regulations

Table of content

Acronyms

1.1 Introduction

This module describes the skills, knowledge and attitudes required to perform surveying measurement adjustment. At the end of this module, participants will be able to identify principles of surveying measurement, apply methods of surveying adjustment, and perform accuracy and precision of measurements.

Module Code and Title: LSVLR501 Describe Land Rules and Regulations

Learning Units:

1. Identify land law in Rwanda
2. Assess land management principles
3. Interpret land use
4. Identify land surveying regulations

1. Learning Unit 1: Identify land law in Rwanda

Picture/s reflecting the Learning unit 1

OFFICE OF THE REGISTRAR OF LAND TITLES				UPI:	
REPA LAND PARCEL SECTION					
Province:	District:	Sector:	Cell:	Umudugudu:	
Registration No.:	Description Land Use:			Index Map No.:	
First Registration Date:				Index Map Parcel No.:	
				Approximate Area:	
Entry No.	Date	Instrument No.	Nature of real rights benefiting the property	Details of real rights benefiting the property	Signature and Seal of Registrar

STRUCTURE OF LEARNING UNIT

Learning outcomes:

- 1.1** Identify general provisions
- 1.2** Categorize land
- 1.3.** Determine land rights and obligations
- 1.4.** Identify land law prescriptions

Learning Outcome1.1 Identify general provisions



Learning outcome 1 objectives :

By the end of the learning outcome, the trainees will be able to:

1. Identify properly the Purpose of land law in Rwanda.
2. Define Perfectly the terms used in the content
3. Describe correctly right to emphyteutic lease



Resources

Equipment	Tools	Materials
Classroom	Chalk	Phipps chart
Black table	Mark pen	Books
Computer	internet	Paper
Projector		pen
printer		



Advance preparation:

Internet

Books

Law governing land N° 27/2021 of 10/06/2021

Content 1.1.1. General provisions

Purpose of Land law in Rwanda

This Law determines modalities of acquisition, registration, allocation, possession, transfer, management and use of land.

Rwanda has been working on a Land Tenure Regularization (LTR) programme since 2005 (with trials till 2008 and full implementation since 2008) with the objective of all rightful landholders in Rwanda receiving legally valid land title documents and minimizing disputes preventing the issue of land titles.

The Land Tenure Regularizations (LTR) programme has been using general boundaries demarcation, marked on orthophotographies or enlarged satellite images, with claims being assessed in the field in a highly participatory system.

To support the program, two computer systems were developed to record and process the land claims information. The Land Tenure Regularization Support System (LTRSS) contains textual details of land parcels and the Geographic Information System (GIS) maintains the spatial details of land parcels.

The two systems are linked through a Unique Parcel Identifier (UPI).

Although the LTR has been a success, there is a need to maintain the system in terms of the information on parcels, rights and right owners that is regularly changing due to different types of transaction on land (sale, inheritance, sub-division/merge of parcels, servitudes, expropriation, corrections, etc.). Without a fully functioning maintenance system, with time the information collected by the LTR will becomes more and more out of date, until eventually it will become a not accurate and not useful record of land, rights and right owners.

1.1.2 Definition of terms

- ✓ **special economic zones:** a geographically specified and physically secured area administered by a single body, offering certain incentives including more liberal and simplified economic regulations for businesses to physically locate and operate within it
- ✓ **Flowing natural water :** water flowing without any human intervention
- ✓ **Swamp** is a plain area between hills or mountains with water and biodiversity, and where papyrus or carex or plants of their species grow;
- ✓ **National roads:** International roads that link Rwanda with neighboring countries; roads that link Districts or that link a District and the City of Kigali; roads that link areas of tourist significance and facilities of national or international importance such as ports and airports;
- ✓ **Land Tenure** is a system by which land is held, describing the rights, responsibilities and restrictions that are attached to the land holder

Or may be considered as a set of modes or procedures of land acquisition and ownership. It is, in other words, a combination of rules that define the modes of access, use and control of land and its renewable natural resources. It is therefore a relationship between men or social groups and land or its underlying resources

- ✓ **Escheat land** is a piece of land without any person with particular rights over it whether it was never owned or owners abandoned it and it became vacant or it is impossible for the individuals to fully own it.
- ✓ **Vacant land** is a piece of land which has no heir and which is succeeded by the state.
- ✓ **Freehold** is type of land tenure granting full and indefinite rights over land.

- ✓ **Land assignment** is a temporary transfer by the State of the right to use land to a third party when the lessee or owner has failed to fulfill land use directives and obligations
- ✓ **Emphyteutic lease** is a long term contract between the state and a person to exploit land in return for a periodic agreed fee payment.
- ✓ **Land** is a surface area with biodiversity like humans, animals and different plants and non-biodiversity like rocks, buildings, various infrastructures, rivers, lakes as well as the subsoil and its atmosphere.
- ✓ **land rights:** inalienable ability of individuals or groups of individuals to obtain, possess and utilize land at their discretion, so as long as their activities on the land, do not violate the inalienable rights of others
- ✓ **Communal or group rights** are important in many countries, especially where land resources have been abundant and the land use of a group covers an extensive area.
- ✓ In such cases, the right to use the land and resources belongs to a group such as a family, a community, a clan, or a band, rather than individuals in the group
- ✓ **Bundle of Rights:** In practice, there may be multiple rights to the same parcel of land, e.g. the right to sell the land, the right to use the land through a lease, or the right to travel across the land. These rights can be held by several different persons or groups.
- ✓ **Prescription** is a procedure of definitive possession of rights over property or losing rights over the property due to expiration of a certain period of time provided for by law.
- ✓ **Sublease** is a contract between a landlord and a third party so that the latter may exploit the former's land and harvests fruits but on which he or she has to pay a negotiated price
- ✓ **Land registration** is a process of official recording of rights or interests in land. It means that there is an official record (the land register) of rights on land or of deeds concerning changes in the legal situation of defined units of land. It gives an answer to the question "who" and "how"
- ✓ **Land Registrar** is a public officer responsible for keeping and updating the land register;
- ✓ **Land title** is a written document confirming a person's rights to land, which is governed by written laws and delivered according to the law by competent authorities.
- ✓ **Construction area** is an area purposely for human settlement, trade and industries, an area reserved for recreation and other basic activities of public utility
- ✓ **Area not for construction** is an area reserved for agriculture, afforestation, grazing, reserved, tourist places and recreational gardens

- ✓ **Land use consolidation** is a process of putting together small plots of land in order to manage land and use it in an efficient uniform manner in order so that its productivity is increased.
- ✓ **Bonafide occupant** is a person who owns his or her property with undoubtable certificates.
- ✓ **Pasture land** is an area with pasture and various plants which are for animals to graze.
- ✓ **Servitude** is a right a person is entitled to on a land that is not his or her due to circumstances, such as the right of passage through another person's land so that he or she may reach his or her own land, the right to water resources on another person's land, or the right to channel running water through another person's land below your own.
- ✓ **Ownership** usually means the exclusive right to use the parcel and enjoy the yield from the land and improvements.
- ✓ **A lease** gives the lessee or grantee the right to use the parcel (or part of a larger parcel) for a limited time
- ✓ **The lessor** may be a private land owner or a government authority. The time span of a lease varies from very short periods (e.g. several months) to periods of up to 99 years or longer
- ✓ **An easement** is a limited right for an owner of one parcel to use or prevent use of some kind on neighboring parcel. The right is usually connected to the parcel and exists in principle as long as the parcel exists.
- ✓ **A mortgage** is a limited right in which real property is pledged to secure money. If the property owner does not live up to the terms of the contract (e.g. does not meet monthly payments on the loan), then the lender has the right to recover any losses incurred by taking possession of the property.
- ✓ **Granting right:** is the right to sell, to give gratuitously, exchange or to bequeath.
- ✓ **Expropriation** is an act of taking away individuals' land by the state due to public interest but prior to respect of procedures provided for by law and prior to payment of adequate compensation.
- ✓ **Road boundaries** is an area of a road including its annexes up to a certain length measured from the middle of the road. They are composed of motorways and pedestrian paths, shoulders of the two sides, canals and other artistic constructions
- ✓ **Adjudication** is the process of final and authoritative determination of the existing rights and claims of people on land. This may be in the context of first registration of those rights, or it may be to resolve a doubt or dispute after first registration

- ✓ **Cession** is an act of a definitive give a way to a third party, of a property or properties that compose one's property or the rights thereof.
- ✓ **Calamity** is a sudden and unplanned phenomenon, such as snow, grasshopper invasion, a long term famine, wars, floods or landslides, volcano eruption, earthquakes and the like.
- ✓ **Donation:** a transfer from one person to another of a full right over a land property of which belonged to the transferor

1.1.3 Land as a common heritage

Land is part of the common heritage of all Rwandans, the ancestors, present and future generations.

Without prejudice to recognised rights of people, the State has absolute power to manage all lands situated in its national territorial boundaries which it exercises in the general interest with a view to ensuring rational economic and social development in accordance with laws.

Subject to provisions of Paragraph One of this Article, the State is the sole authority to grant rights of tenure and use of land.

1.1.4 Equal right to land

Any form of discrimination in relation to access to land and enjoyment of real rights to land is prohibited.

The land rights of spouses depend on the type of matrimonial regime of their choice.

1.1.5 Right to emphyteutic lease

Without prejudice to provisions of Article 9 of this Law, lands are allocated by the State in form of emphyteutic lease and land concession.

The emphyteutic lease and land concession period does not exceed ninety-nine (99) years which may be renewed.

When the emphyteutic lease period expires, the lease period for a Rwandan is renewed automatically

A Prime Minister's Order determines modalities for land allocation and acquisition, emphyteutic lease, State land concession and lease, the exact duration of emphyteutic lease and State land concession and lease and its renewal.

emphyteutic lease: type of land ownership based on a long-term contract between the State and a person granting him or her rights on land;

1.1.6 Right to freehold

A Rwandan is entitled to freehold tenure.

A Presidential Order may, for exceptional circumstances of strategic national interest, approve grant of a freehold title to a foreigner.

Private individual's land subject to freehold cannot exceed two (2) hectares per person unless an Order of the Minister authorises otherwise.

An order of the Minister determines categories of lands subject to freehold, modalities of acquisition of freehold, requirements for granting freehold and compliance requirements for the freehold holder.



Summary for the trainer related to the indicative content (key notes using bullets such as ticks etc)

Purpose of Land law in Rwanda

- ✓ modalities of acquisition
- ✓ registration
- ✓ allocation,
- ✓ possession,
- ✓ transfer
- ✓ management and use of land

Definition of terms

- ✓ Escheat land

- ✓ Vacant land
- ✓ Freehold
- ✓ etc



Theoretical learning Activity

- ✓ Trainer involves trainees to generate ideas on the purpose of land law in Rwanda.
- ✓ Trainer involved trainees to generate explanation of terms used in land rule and regulation



Practical learning Activity

Trainees in pair discuss on the following;

- ✓ Right to emphyteutic lease
- ✓ Land as a common heritage
- ✓ Right to freehold



Points to Remember (Take home message)

- ✓ Purpose of land law in Rwanda
- ✓ Definition of terms
- ✓ Equal right to land

Learning outcome 1.1: formative assessment

Written assessment

Assessment instruments/tools

Q1. Define the following terms:

- a) Land title,
- b) vacant land,
- c) Escheat land,

Q2. The purpose of land law includes the following Except:

- a) allocating,
- b) acquisition
- c) transfer,
- d) use
- e) Regulation
- f) Management

Answer

Q1. Define the following terms

- a) **Land title:** a written document confirming a person's rights to land, which is governed by written laws and delivered according to the law by competent authority.
- b) **Vacant land:** a piece of land abandoned definitely by the owner;
- c) **Escheat land:** a piece of land with no heir. Such land is succeeded by the State and falls into its private domain;

Q2. The purpose of land law includes the following Except:

- a) allocating,
- b) acquisition
- c) transfer,
- d) use
- e) **Regulation**
- f) Management

Learning Outcome 1.2: Identify categories of land



Duration: 6.hrs



Learning outcome 2 objectives :

By the end of the learning outcome, the trainees will be able to:

1. Categorize correctly land based on their types.
2. Differentiate properly State land in the public domain and State land in the private domain
3. Explain clearly public institution land



Resources

Equipment	Tools	Materials
Classroom	Chalk	Phipps chart
Black table	Mark pen	Books
Computer	internet	Paper
Projector		pen
printer		



Advance preparation:

Internet

Books

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Content 1.2.1 Categories of Land

1.2.1.1 Urban land

Article 9: Urban land as opposed to rural land

Urban land shall be land which is confined within boundaries of towns or cities established by a Presidential Order.

All remaining land shall be considered as rural land.

A Presidential Order determines any other land that is considered as urban land

1.2.1.3 Individual land

Individual land: Private individual land shall comprise land acquired through custom or written law.

That land has been granted definitely by competent authorities or acquired by purchase, donation, inheritance, succession, ascending sharing, and exchange or through sharing.

This Law offers equal protection to rights over land resulting from all channels stipulated in the preceding paragraph.

1.2.1.4 Public land

Public land: Public land consists of land in public and private domain of State, land belonging to public institutions and land that belongs to local authorities whether being in their public domain or in their private domain.

The State may donate to any public institution or local authority its land reserved for public or private domain. Public institutions or local authorities may also acquire land by purchasing it or by donation from individuals or associations, and that land shall fall under their private or public domain.

1.2.1.5 State land in the public domain

State land in the public domain consists of all land meant to be used by the general public or land reserved for organs of State services as well as national land reserved for environmental protection. Those lands include:

- 1° land occupied by lakes and rivers as listed by an Order of the Minister in charge of water as natural resources;
- 2° shores of lakes and rivers up to the length determined by an Order of the Minister in charge of water as natural resources starting from the furthest line reached by water depending on successive floods, excluding exceptional floods;
- 3° land occupied by springs and wells determined in accordance with an Order of the Minister in charge of water as natural resources;
- 4° national land comprised of natural forests, national parks, protected swamps, State public gardens and tourist sites;
- 5° islands as listed by an Order of the Minister in charge of land;
- 6° national roads and their boundaries;
- 7° land reserved for public State activities and infrastructures;

1.2.1.6 State land in the private domain

State land in the private domain land shall consist of all the land that is not included in State land reserved for public activities or infrastructures and land that does not belong to public institutions or local authorities or individuals.

That land shall be comprised of the following:

1° vacant lands;

2° escheat lands;

3° confiscated lands in respect of the provisions of this Law;

4° State land previously occupied by public activities removed from public domain in accordance with the laws;

5° land acquired by the State through purchase, donation or expropriation for public interests;

6° unprotected swamps;

7° land occupied by State owned forests;

8° land resulting from non-renewed lease issued to foreigner as provided by this Law;

9° land reserved for specific cemeteries.

The transfer of state land from public domain to private domain mentioned in Article 12 of this Law from point one (1°) to point five (5°) shall be done by law, while from point six (6°) to point seven (7°) the transfer shall be done by an Order of the Prime Minister. The land referred to in point eight (8°) shall not be transferable.

1.2.1.7 Land in the public domain of local Government

Land in the public domain of local authorities consists of the following categories:

1° land reserved for public activities and infrastructures of local authorities;

2° Districts and City of Kigali roads and that of other urban areas linking different Sectors headquarters within the same District, or those roads that are used within the same Sector with their boundaries;

3o arterial roads that connect Districts roads to rural community centres that are

1.2.1.8 Land in the private domain of local authorities

Land in the private domain of local authorities consists of the following categories:

- 1° local authorities land not reserved to be used for public activities;
- 2° local authorities land previously used for public activities but which was removed from public domain in accordance with the laws;
- 3° land acquired by the local authorities through purchase, donation or expropriation for public interests;
- 4° land occupied by local authorities' forests;
- 5° confiscated land as provided by this Law.

The transfer of land from the public domain of local authorities to their private domain shall be done by an Order of the Minister in charge of land on proposal by the competent local authority.

1.2.1.9 Public institutions land

Land in public domain of public institutions shall consist of land reserved for public para-statal institutions activities and infrastructures.

Land in private domain of public institutions shall consist of the following categories:

- 1° land not reserved for public activities use by public institutions;
- 2° public institutions land previously used for public activities but which was removed from public domain in accordance with the law;
- 3° land acquired by public institutions through purchase, donation or expropriation for public interests;
- 4° land occupied by public institutions forests.

The transfer of land from the public domain of public institutions to their private domain shall be done by an Order of the Minister in charge of land on proposal by the supervising Authority



Summary for the trainer related to the indicative content (key notes using bullets such as ticks etc)

- ✓ Categories of Land
 - ✓ Urban land
 - ✓ Rural land
 - ✓ Individual land
 - ✓ Public land
 - ✓ State land in the public domain
 - ✓ **State land in the private domain**
 - ✓ Land in the public domain of local Government
 - ✓ Land in the private domain of local authorities
 - ✓ Public institutions land



Theoretical learning Activity

- ✓ Trainer involves trainees to discuss on categories of land



Practical learning Activity

Trainees in a group of two; outline two examples of land in each category



Points to Remember (Take home message)

Categories of Land

- ✓ Urban land
- ✓ Rural land
- ✓ Individual land
- ✓ Public land
- ✓ State land in the public domain
- ✓ **State land in the private domain**
- ✓ Public institutions land
- ✓ Land in the public domain of local Government
- ✓ Land in the private domain of local authorities

Learning Outcome1.3 Determinate land rights and obligations



Duration: 3hrs



Learning outcome 3 objectives :

By the end of the learning outcome, the trainees will be able to:

1. Identify properly land rights
2. Identify appropriately land obligations
3. Distinguish correctly exploited land and not exploited land



Resources

Equipment	Tools	Materials
Classroom	Chalk	Phipps chart
Black table	Mark pen	Books
Computer	internet	Paper
Projector		pen
printer		



Advance preparation:

Internet

Books

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1.3.2.1 Land Obligations

1.3.2.2 Servitudes

The land owner shall not act against other people's rights. In that regard he/she shall not:

✓

1.3.2.6 Land considered to be properly exploited

Any land with crops, buildings or infrastructures, land with forests and seedling, land that has been under fallow for not more than three (3) years, harvested land, as well as any land on which a reasonable number of livestock is grazed either by individuals, associations or organizations with legal personality shall be considered to be properly exploited and in a productive way

1.3.2.7 Land considered not to be properly exploited

It shall be considered not to be properly exploited, if:

1° the land is not protected from soil erosion;

2° the land meant for agriculture is not covered by crops or other plants at least up to a half (1/2) of its area;

3° the land meant for grazing does not respect grazing regulations or is not covered by pasture for animals up to at least one half (1/2) of its area;

4° the land meant for buildings and/or infrastructures is not developed within the period prescribed by competent authority.

1.3.2.8 Emphyteutic lease termination

In case the lessee does not comply with the lease contract obligations other than those stipulated in article 38 of this Law, the lessor may terminate the lease after a written warning notice of fifteen (15) working days, without any other formalities.



Summary for the trainer related to the indicative content (key notes using bullets such as ticks etc)

 **Land rights**

- ✓ Enjoyment of full rights
- ✓ Developments found on land presumed to be land owner's property
- ✓ Rights on natural resources

 **Land Obligations**

- ✓ Servitudes
- ✓ Special conditions for conservation and exploitation of land
- ✓ Obligation of exploiting a land in a productive way
- ✓ Payment of land tax and fees
- ✓ Land considered to be properly exploited
- ✓ Land considered not to be properly exploited
- ✓ Emphyteutic lease termination



Theoretical learning Activity

- ✓ Trainer involves trainees to discuss on land rights in Rwanda.
- ✓ Trainer involved trainees to generate ideas on land obligation in Rwanda



Points to Remember (Take home message)

- ✓ The land owner shall enjoy full rights to exploit his/her land in accordance with the provisions of this Law and other laws
- ✓ The land owner shall not act against other people's rights.

Learning Outcome 1.4: Identify land law prescription



Duration: 3hrs



Learning outcome 4 objectives :

By the end of the learning outcome, the trainees will be able to:

1. Identify properly land law prescription
2. Recognize Properly the prescription period
3. Describe correctly Borrowed properties in accordance with law.



Resources

Equipment	Tools	Materials
Classroom	Chalk	Phipps chart
Black table	Mark pen	Books
Computer	internet	Paper
Projector		pen
printer		



Advance preparation:

Internet

Books

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Content 1.4.1 Land law prescription

1.4.1.1 Application of the civil code Rights on natural resources

Without prejudice to specific provisions stipulated by this Law, provisions of the Civil Code on prescription shall apply to land related matters.

1.4.1.2 Prescription period

In land related matters, the prescription period shall be thirty (30) years. The prescription shall be ascertained by a decision of a competent court.

Land rights from prescription

A person who owns land continuously and uninterruptedly, publicly and unequivocally for thirty (30) years from the date of acquisition of the land, may acquire the land rights by prescription.

1.4.1.3 Acquisition of a land through fraudulent means

A person who, through fraudulent means, acquired vacant, escheat land or any other person's land, cannot invoke the prescription of the right to land to claim definite right on the land, even if he or she has possessed the land for a period longer than the prescription period provided for in Article 50 of this Law.

However, a person who was given the land during the land sharing that was done to resettle citizens is not considered as a fraudulent person and a person deprived of his or her land right due to political reasons and bad leadership that prevailed in the country from 1959 to 1994 is not considered as a victim of fraud.

1.4.1.4 Non-prescription among members of the same family

There is no prescription of land right among members of the same family. The family referred to in Paragraph One of this Article is determined by the order of succession in accordance with relevant laws.

1.4.1.5 Borrowed properties

Any person who occupies other people's land by borrowing shall not claim ownership right on that land based on prescription, whatever the period of the occupation. Such a land shall be managed by the State in accordance with law.



Summary for the trainer related to the indicative content (key notes using bullets such as ticks etc)

- ✓ Land law prescription
- ✓ Application of the civil code Rights on natural resources
- ✓ Prescription period
- ✓ Acquisition of a land through fraudulent means
- ✓ Non-prescription among members of the same family
- ✓ Borrowed properties



Theoretical learning Activity

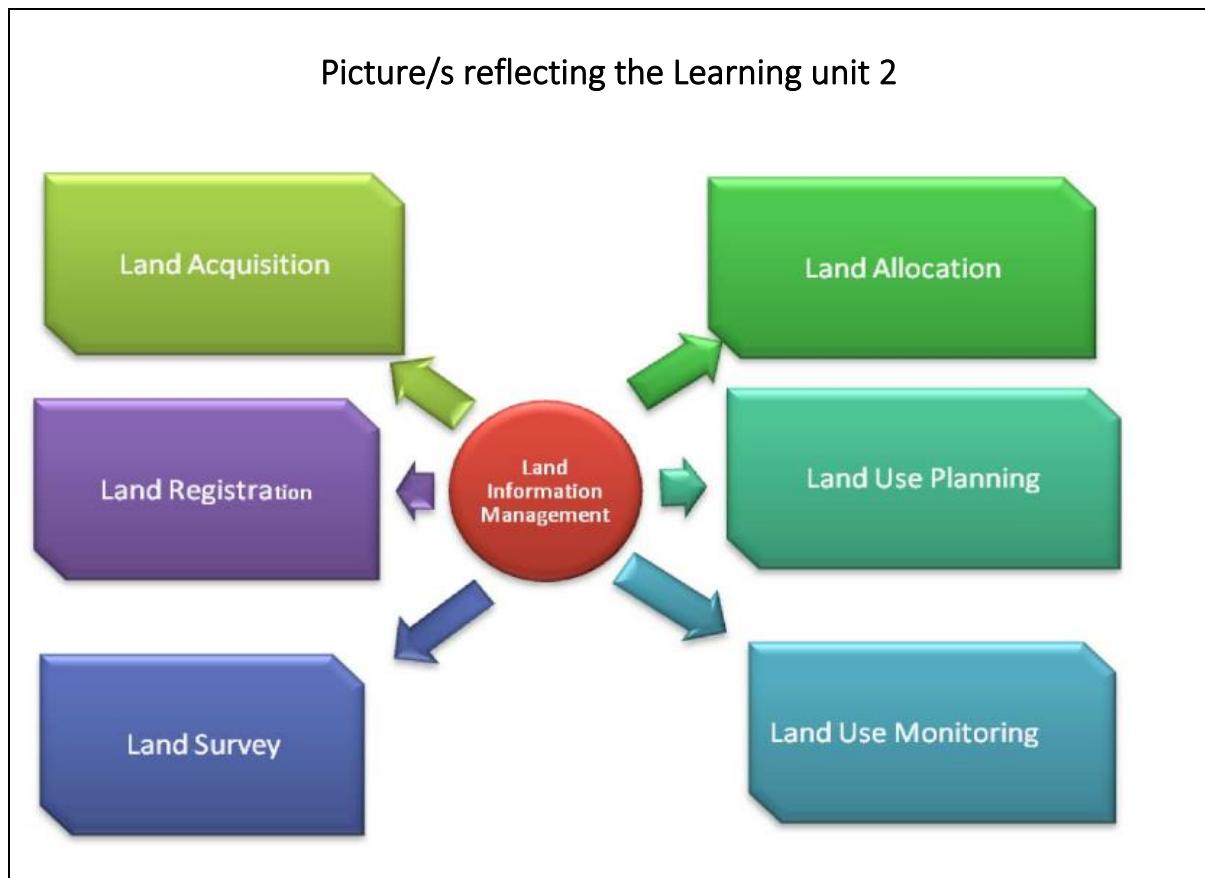
- ✓ Trainer involves trainees to discuss on land law prescription.
- ✓ Trainer involved trainees to outline challenges on land law prescription



Points to Remember (Take home message)

- ✓ There is no prescription of land right among members of the same family.
- ✓ Any person who occupies other people's land by borrowing shall not claim ownership right on that land based on prescription
- ✓ The prescription period shall be thirty (30) years.

Learning unit 2: Assess land management principles



STRUCTURE OF LEARNING UNIT

Learning outcomes:

- 2.1: Describe land management components
- 2.2 Review land policy
- 2.3. Determine land administration principles

Learning Outcome 2.1 Describe land management components



Duration: 4hrs



Learning outcome 1 objectives :

By the end of the learning outcome, the trainees will be able to:

1. Identify Carefully land management components
2. Recognize Perfectly Obligation to register land according an Order of the Minister in charge of land
3. Describe adequately land use consolidation based on their purposes



Resources

Equipment	Tools	Materials
Classroom	Chalk	Phipps chart
Black table	Mark pen	Books
Computer	internet	Paper
Projector		pen
printer		



Advance preparation:

Internet

Books

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Content 2.1.1 land management components

Land management is the process of managing the use and development (in both urban and rural settings) of land resources. Land resources are used for a variety of purposes which may include organic agriculture, reforestation, water resource management and eco-tourism projects.

2.1.1.1 Land Registration and Cadastre

A person has an obligation to register his or her land property.

The State has also an obligation to register its land property. An Order of the Minister determines modalities and formalities for land registration and procedures of its cancellation.

2.1.1.2 Environmental management

The national land management shall be governed by the law relating to the planning of land use and development in Rwanda.

All land leases and land transactions shall respect the land use plans of the area where the land is located.

2.1.1.3 Land consolidation

Land use consolidation

For purposes of optimization of productivity, an Order of the Minister in charge of Agriculture and Animal Resources shall set up procedures and modalities of land use consolidation for agricultural and livestock purposes.

2.1.1.4 Land Development control

Development control is the most visible part of the land use planning process and the function with which members of the public - particularly those engaged in the construction and property development industries - interact on a daily basis.

2.1.1.5 Land and property based taxation

A holder of land rights has the obligation to pay land tax and fees in accordance with relevant laws

2.1.1.6 Urban and agrarian land reform

The land planned for agricultural and livestock use is protected and conserved. Every person has an obligation to use the land planned for agricultural and livestock use in accordance with land use consolidation.



Summary for the trainer related to the indicative content (key notes using bullets such as ticks etc)

- ✓ **land management components**
- ✓ Land Registration and Cadastre
- ✓ Environmental management
- ✓ Land consolidation
- ✓ Land Development control
- ✓ Land and property based taxation
- ✓ Urban and agrarian land reform



Theoretical learning Activity

- ✓ Trainer involves trainees to discuss on land management components
- ✓ Trainer involved trainees to outline land management components



Points to Remember (Take home message)

- ✓ A person has an obligation to register his or her land property.
- ✓ All land leases and land transactions shall respect the land use plans of the area where the land is located.
- ✓ The land planned for agricultural and livestock use is protected and conserved.

Learning Outcome 2.2 Review land policy



Duration: 3hrs



Learning outcome 2 objectives :

By the end of the learning outcome, the trainees will be able to:

1. Proper identification Land issues based on their types.
2. Clearly description land tenure based on land policy guide lines.
3. Carefully identification of land registry according to land administration.



Resources

Equipment	Tools	Materials
Classroom	Chalk	Phipps chart
Black table	Mark pen	Books
Computer	internet	Paper
Projector		pen
printer		



Advance preparation:

Internet

Books

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Content 2.2.1 Land issues

2.2.1.2 Very high population density and heavy pressure on the land

The first administrative censuses and other surveys (1930 - 1935), the registry office, the population surveys of the 1950s, the administrative censuses of 1960, the 1970 population survey, the 1978 general population census and housing survey, the 1983 national fertility survey, the 1991 second general population census and housing survey, and the annual reports of the Ministry of Local Administration enable one to follow the evolution of the population of Rwanda from 1934 till now. Estimated at 1,595,400 in 1934, the population of Rwanda had risen to 7,700,000 by 1997.

These very high population densities result in excessive population cramming in one area, and this has harmful effects on the land resource.

2.2.1.3 Excessive parcelling of family agricultural land

According to the 1992 report by the National Agricultural Commission, there were 1,111,897 rural households in 1986, and an estimated 1,202,605 in 1989. It was expected that the figure would rise to 1,941,000 in 2000. Already in 1986, an estimated 25.7% of family farms were less than 0.5 ha. These households could no longer produce enough to satisfy their food needs. The arable land for the vulnerable group was in the range of between 0.5 and 1 ha.

Currently, available arable land per family farm is just 0.6 ha. There are, of course, regional inequalities concerning the available agricultural land per family, ranging from <0.25 ha to >2 ha. The reduced size of cultivated land per family is a nationwide problem. A farmer can no longer meet his family's basic nutritional requirements from agricultural activity alone.

The re-organization of the available space and technological innovations are necessary in order to ensure food security for a steadily and rapidly increasing population.

2.2.1.4 Loss and Degradation of Soils

The loss and degradation of Rwanda's soils are occurring at an alarming rate. There are several causes for this. There are first purely natural and/or structural causes, and then man-made causes.

2.2.1.5 Natural Causes

✓ Natural Causes

i. *Pedological causes*

Due to their pedogenesis, Rwanda's soils are fragile, and therefore vulnerable and very erosion sensitive.

ii. *Geomorphological causes*

Rwanda is characterized by a hilly terrain, with a physiographic pattern of steep hills, hence the significant and poetic name of the "Land of a Thousand Hills", a term that briefly but vividly illustrates Rwanda's high altitudes

iii. *Climatic causes*

The rainfall in Rwanda is unpredictable. It is regulated by altitude. Annual rainfall increases from East (900mm) to West (1,600). The eastern lowlands receive less rain, with an annual rainfall that is less than 1,000 mm per year, while the higher altitudes of northwest receive more, with an average of 1,800 mm per year, and a maximum of 2,500 mm. This high rainfall makes the slopes vulnerable to water erosion.

iv. *Scarcity of land*

Arable land is estimated at 1,385,000 ha, or 52% of the country's total surface area. Add to this arable surface area, marshlands which are estimated at 165,000 ha and of which only half is available for agricultural purpose. If this half were properly developed, it would be an invaluable addition to the existing arable land.

The problem of the scarcity of arable land becomes even more acute when the same piece of land must be used for other activities such as housing, livestock, and construction of infrastructures and various community facilities.

2.2.1.6 Man-made causes

As a result of the high population pressure, the size of cultivable land is rapidly decreasing. In addition, water induced erosion caused by the cultivation of excessively steep slopes without adequate anti-erosion, water and soil management and conservation techniques, their over-exploitation and inadequate organic mineral restoration, render Rwanda's soils subject to continual degradation. Their fertility deteriorates so rapidly that some areas reach a critical stage that may lead to an irredeemable situation if appropriate measures are not taken.

The overpopulation of the country, apart from the exerting extreme pressure on the already fragile and unstable soils, has also brought about excessive parcelling out of land by successive father-to-son inheritance under the customary law which is still in practice in rural areas.

2.2.1.7 Lack of adequate land legislation

2.2.1.8 Unfavorable land tenure system to women

According to Rwandan custom, land ownership is the privilege of men, and land rights are inherited from father to son. Girls were therefore excluded from the inheritance of family land. This system prevented a woman from land ownership, even as a widow where she was entitled only to the right of usufruct over family land while waiting for her sons to come of age.

If her husband died before she had borne him any children, a woman could not claim any of her husband's land unless she married one of his brothers. Even in such a case, it was the new husband who became the owner of that land. And if this second marriage did not take place, the widow returned to her parents.

2.2.1.9 Inadequate human, material and financial resources

Bad management and poor use of land resources are also a result of inadequate human, material and financial resources. The cadastral system, which is at the core of land administration, requires trained and motivated staff as well as an enormous amount of material and financial resources, which the country lacks.

Content 2.2.2 land policy guideline

2.2.2.1 Modes of land acquisition and ownership

Method of acquisition through written law

i. Through land occupation

According to custom, land ownership is held by whoever occupies the land first. This rule has always been respected in our society

ii. Through inheritance

Customarily, land rights are passed on from father to son or girls through inheritance. Concerning inheritance rights of widows, the custom merely gives them the right to use the land that belonged to their deceased husbands.

iii. Through the process of transfer by sale or as a donation

In its original customary conception, land was owned collectively. Any disposal of land was therefore inconceivable, since such land was considered as family property that belonged to the ancestors, as well as to present and future generations.

With the introduction of the subdivision of land into individual plots due to successive inheritance procedures, each family owner of a plot of land was considered as the real owner of the plot, having the right to dispose of it as it wishes.

2.2.2.2 Policy Statements

✓ Policy Statements

Land tenure that is secured by land registration and cadastral survey is today a pre-requisite and indispensable in order to attract investment in the rural areas

✓ Strategic options

Distinction between urban and rural land

The mode of land acquisition will differ depending on whether it concerns urban or rural land. It is necessary to make this distinction because the mode of management and use of these land entities differ

2.2.2.3 Importance of a good Land Administration

A good land administration:

- ✓ Provides land title guarantee and land tenure security.
- ✓ Supports the process of land taxation.
- ✓ Provides bank loan security in the form of mortgage.
- ✓ Develops and guides land transactions.
- ✓ Protects public and private state land and ensures their efficient management.
- ✓ Reduces significantly land disputes
- ✓ Facilitates land reforms in rural areas.

2.2.2.4 Land registry in land administration

The land register is both a list and a registry of land values (owned plots) and their owners and a representation of the territorial layout. For each administrative entity, it comprises a cadastral matrix which describes, for each apparent owner, the list of property that he/she owns; a cadastral plan (computerized or not) drawn using topographic methods that covers all numbered plots; and a section status, which is a list of plots with their numbers and owners by administrative subdivision.



Summary for the trainer related to the indicative content (key notes using bullets such as ticks etc)

Land issues

- ✓ Very high population density and heavy pressure on the land
- ✓ Excessive parcelling of family agricultural land
- ✓ Loss and Degradation of Soils

Importance of a good Land Administration

- ✓ Provides land title guarantee and land tenure security.
- ✓ Supports the process of land taxation.
- ✓ Provides bank loan security in the form of mortgage.
- ✓ Develops and guides land transactions.
- ✓ Protects public and private state land and ensures their efficient management.
- ✓ Reduces significantly land disputes
- ✓ Facilitates land reforms in rural areas.



Theoretical learning Activity

- Trainer involves trainees to discuss on Land issues
- Trainer involved trainees to outline **Importance of a good Land Administration**



Points to Remember (Take home message)

- ✓ Bad management and poor use of land resources are also a result of inadequate human, material and financial resources.
- ✓ As a result of the high population pressure, the size of cultivable land is rapidly decreasing.

Learning Outcome 2.3 Identify land administration principles



Duration: 3hrs



Learning outcome 3 objectives :

By the end of the learning outcome, the trainees will be able to:

1. Proper identification Land administration principles according to their types.
2. Carefully describe Land use management and its protection based on their types
3. Adequate identification management institutions according to land administration



Resources

Equipment	Tools	Materials
Classroom	Chalk	Phipps chart
Black table	Mark pen	Books
Computer	internet	Paper
Projector		pen
printer		



Advance preparation:

Internet

Books

Law governing land N° 27/2021 of 10/06/2021



Content 2.3.1 Land administration principles

2.3.1.2 Land allocation, acquisition and lease

Without prejudice to provisions of Article 9 of this Law, lands are allocated by the State in form of emphyteutic lease and land concession.

The emphyteutic lease and land concession period does not exceed ninety-nine (99) years which may be renewed.

2.3.1.3 Land registration

A person has an obligation to register his or her land property.

The State has also an obligation to register its land property. An Order of the Minister determines modalities and formalities for land registration and procedures of its cancellation.

2.3.1.4 Transfer of land rights

Land rights may be transferred between persons.

Transfer of land rights is carried out through the following: **1º** succession; **2º** donation; **3º** inheritance; **4º** lease; **5º** sale; **6º** sub-lease; **7º** exchange; **8º** mortgage; **9º** concession; **10º** any other transfer means in conformity with conditions and methods provided for by laws.

2.3.1.5 Foreigners' rights on land

Without prejudice to provisions of Articles 6, 10, 11 and 12 of this Law, a foreigner has rights to:

1º an emphyteutic lease;

2º a land concession.

The rights referred to under Paragraph One of this Article are only allocated for investment. A Presidential Order may determine other modalities of land possession by a foreigner.

2.3.1.6 Land sub-lease for agricultural, forestry and livestock production

This Law recognizes and protects sub-lease contract for agriculture, livestock and forest land.

An Order of the Minister in charge of land determines modalities of sub-leasing stated in this article.

2.3.1.7 Land use management and its protection

The national land management shall be governed by the law relating to the planning of land use and development in Rwanda.

All land leases and land transactions shall respect the land use plans of the area where the land is located.

2.3.1.8 Land administration and management institutions

National institution in charge of land registration and geo-information services

Land registration, issuance of land title and maintenance of land register, land management, geo-information services shall be carried out by the competent national institution.

a. District Land Bureau

A land Bureau is hereby established at the District level and is headed by a District Land Officer.

An Order of the Minister in charge of land determines responsibilities, organization and functioning of the Land Bureau at District level and determines working relationship with other institutions in charge of land.

The District Land Officer and other designated officer by a Presidential Order, acts as public notary in all matters pertaining to land in accordance with legislation related to notarized deeds.

The District Land Bureau shall be technically answerable to the national institution in charge of the national land registry and geo-information services.

b. Land Committees

There is hereby established Land Committees responsible for follow up of management and use of land.

The organization, functioning, responsibilities, composition of Land Committees and level of operation shall be determined by an Order of the Minister in charge of land.



Summary for the trainer related to the indicative content (key notes using bullets such as ticks etc)

- ⊕ Land administration principles
- ✓ Land allocation, acquisition and lease
- ✓ Transfer of land rights
- ✓ Land use management and its protection



Theoretical learning Activity

- ⊕ Trainer involves trainees to discuss on administration principles
- ⊕ Trainer involved trainees to outline Land administration and management institutions



Points to Remember (Take home message)

- ✓ A foreigner has rights to:
 - 1º an emphyteutic lease;
 - 2º a land concession.
- ✓ A land Bureau is hereby established at the District level and is headed by a District Land Officer
- ✓ Transfer of land rights is carried out through the following: 1º succession; 2º donation; 3º inheritance; 4º lease; 5º sale; 6º sub-lease; 7º exchange; 8º mortgage; 9º concession

Learning unit 3: Interpret land use

Picture/s reflecting the Learning unit 1



Learning Outcome 3.1: Identify land use types



Duration:hrs



Learning outcome 1 objectives:

By the end of the learning outcome, the trainees will be able to:

1.
2.
3.



Resources

Equipment	Tools	Materials
 Advance preparation: .		